



Minutes of the Burlington City Council Meeting Virtual Meeting 7:00pm – Tuesday, February 2, 2021

The City Council of the City of Burlington held a regularly scheduled meeting remotely beginning at 7:00pm on February 2, 2021. Due to the Coronavirus Pandemic, this meeting was convened remotely via Zoom Webinar platform.

Mayor Ian Baltutis presided.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member James Butler
Council Member Harold Owen

Staff Present:

City Manager Hardin Watkins
City Attorney David Huffman
Interim City Clerk Beverly Smith

Council Members Absent: None

CALL TO ORDER: Mayor Ian Baltutis

INVOCATION: Mayor Ian Baltutis

The invocation was offered by Mayor Baltutis.

SPECIAL ANNOUNCEMENT: Burlington Baseball, Ryan Keur

Mr. Ryan Keur, owner and President of the Burlington Sock Puppets shared details of the new team name and brand creation of the Burlington Sock Puppets. He thanked City Council for their support and expressed excitement for the upcoming baseball season.

He reported orders from thirty different states and five countries have been purchases since the announcement.

STAFF REPORT: Recreation and Parks Department Launch of CivicRec Software

Director of Recreation and Parks Tony Laws presented an overview of new software being launched by the Recreation and Parks Department which will allow residents to browse, register and pay for Recreation facility rentals, activities, classes, sports leagues, and more online. He explained how the new enhanced software would provide a convenient option for residents to register and rent, it also provides efficiencies for staff across the Recreation & Parks Department. He introduced Recreation and Parks Administrator Jennifer Bunton in attendance to provide a brief tutorial on the services available to the community through CivicRec. He expressed appreciation to Chad Cross, former I.T. city employee, Dawn Green and three other technicians: Matt, Robert and Walt with the installation and hardware components. He expressed appreciation to Finance staff with their assistance getting this software online with Munis. He thanked Melissa Hoose and Jennifer Bunton for their efforts and work to prepare this software for use in the Recreation Department and expressed appreciation to every employee in

Recreation pitching in and working to assist with this project and hopes to continue spreading the use of the software across multiple Recreation and Parks divisions for a total recreational wide product for our community.

Recreation and Parks Administrator Jennifer Bunton provided a live presentation of the new tool and shared examples of how it can be used for registrations, rental bookings for facilities, and payment online tools.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST: Interim City Clerk, Beverly Smith
There were no conflicts reported.

ADDITIONS:

- **Consent Agenda – Item F:** HOME Funding RFP and Applicant Approval
- **New Business – Item 2:** Appeal/Request for Public Hearing/Henson Realty, LLC (1722 Shamrock Dr)

Upon a motion by Council Member Owen, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to approve the additions to the agenda.

ADOPTION OF AGENDA

Upon a motion by Council Member Ward, seconded by Council Member Butler, it was resolved unanimously to adopt the agenda with the additions.

CONSENT AGENDA:

- A.** To approve two reclassifications for the following Police Department positions, effective upon City Council approval.
 - Crime Analyst from Level 19 to Level 26
 - Police Crime Analyst Supervisor from Level 27 to Level 31
- B.** To approve amendments to the Charter of the Community Police Advisory Team (CPAT).

THE BURLINGTON POLICE DEPARTMENT
Community Police Advisory Team
Formation and Charter (01.26.21 version/adopted 02.02.21)



ARTICLE I.

Name

The group shall be called the Burlington Community Police Advisory Team (Burlington CPAT).

ARTICLE II.

Preamble

- The City of Burlington and the Burlington Police Department are committed to fairness, impartiality, and racial equity in all activities.

- The Community Police Advisory Team has been created as a body to recommend improvements to the policy and practice of the police department to the City Manager and Police Chief in an ongoing basis, along with the mission and goals outlined in the charter.
- The City of Burlington and the Burlington Police Department recognize that the police department has a high profile and impactful role in the lives of many people. Persons of color have shared and expressed concern about past experiences and treatment. The Burlington Police Department is committed to continuously improving performance and strives to better understand the needs of everyone in the community.
- The City of Burlington and the Burlington Police Department embrace community policing as a tested and visible method of engaging with residents and building trust.

ARTICLE III.

Mission

The Mission of the Community Police Advisory Team is to provide advice and recommendations to the City Manager and Police Chief to improve the quality of policing in Burlington in a cooperative effort between the community and the police by reviewing and recommending policy enhancements to better meet the needs of the community, provide and support a training curriculum that allows for police and community experiences to both be shared and understood with greater context, and analyzing existing public records all of which results in improved perception of procedural justice, and enhanced trust of the police.

ARTICLE IV.

Goals

The primary goal of the Community Police Advisory Team is to provide advice and counsel to the police department and City Manager as follows:

1. Provide a venue for informed and engaged residents of Burlington to address issues and concerns relating to public safety
2. Recommend actions that may be taken by the Police Department to address root causes of crime, improve quality of life, and reduce crime and the fear of crime in Burlington.
3. Review and provide advice on agency wellness programs, officer safety, benefits, and assist with periodic awards ceremonies or other opportunities to celebrate agency and employee successes.
4. Regularly review and provide input on policy and procedure.
5. Assist with recruiting and retaining a diverse and qualified workforce.
6. Provide input on training development and delivery, with an emphasis on community policing, de-escalation skills, fair and impartial policing practices, ethics, and communication skills.
7. Assist in identifying industry best practices and evidence-based practices in policing with the intent to improve service delivery, crime fighting strategies and further improve police culture.
8. Evaluate departmental annual reports generated for CALEA regarding use of force, pursuits, traffic stop reports, and other metrics as deemed necessary to evaluate the
9. performance and make recommendations on the agency's ability to build trust and provide public safety in an equitable manner.
10. Provide a venue for public engagement and public involvement related to the City's CALEA certification efforts. Maintaining the CALEA certification for the Burlington

- Police Department is a high priority of the City and CPAT can assist in this endeavor by providing feedback, input, and advice related to the required national standards.
11. Educate and advocate with the public including participation in interactive community and police related events such as on-going educational opportunities or town hall type meetings on wide ranging police, safety, justice, and/or racial equity topics, including responses to critical incidents.
 12. Gain understanding of the City of Burlington and Burlington Police Department budget process and provide feedback to Police Department and City Manager on prospective areas of needs and resources that would be helpful to the community.

ARTICLE V.

Advisory Scope

The scope of authority for the CPAT is advisory only; no decision-making authority, formal or informal, resides with CPAT. Team members are charged to provide sound advice and counsel to the Police Chief and City Manager regarding topics set out in this charter. The enabling statutory authority for the establishment of this CPAT, an advisory board, is N.C.G.S. §160A-146 and N.C.G.S. §160A-4. In this advisory role, CPAT members will have access only to public information as set out in N.C.G.S. §132 and N.C.G.S. §160A-168. CPAT will not have investigatory and subpoena powers or authority and will not have access to: employee personnel records pursuant to N.C.G.S. §160A-168 including internal affairs inquiries and records of complaints filed against individual officers; criminal investigations records and intelligence information records pursuant to N.C.G.S. §132-1.4; and, law enforcement agency recordings pursuant to N.C.G.S. §132-1.4A.

ARTICLE VI.

Membership

The Community Police Advisory Team will consist of 15-20 members formally approved by City Council. Members will be representative of the community and must reside in the City Limits of Burlington. Having previously been convicted of a misdemeanor or felony will not preclude membership on the CPAT. City Council will strive (flexibility may be needed) to identify and select members from the categories as follows:

- The community of educators (faculty or staff members from Alamance Burlington School System {ABSS}, Alamance Community College {ACC}, and/or any private elementary/secondary school located in the City)
- The business community
- One member of the youth community (18 years of age or younger when seated and may serve a full 3-year term) with one “alternate” youth member that can attend along with the “regular” member and vote in their absence
- The NAACP and/or other activist groups in the city
- The African American community
- The Hispanic/Latinx community
- The community of indigenous persons of North Carolina
- The LGBTQ community
- All Faith communities, including ministerial/clergy associations, the Muslim faith community, the Christian faith community, and all other faith communities in Burlington.
- The community of justice-involved persons

- The community of justice practitioners (may include judges, retired judges, probation/parole professionals, and youth court counselors)
- The community of mental health practitioners and/or advocates, including but not limited to members of the local chapter of the National Alliance on Mental Illness (NAMI)
- One line level police employee
- Several geographic based community members, striving to include at least one member from each of the City's four geographic police patrol zones

Interested community members will complete an application which may be submitted to the Community Engagement Division in the City of Burlington Municipal Building during business hours, at the police department in the Administration Office, or online. The selection process will follow the City's standard Boards & Commissions procedures, whereby all applications are forwarded directly to City Council for review and consideration. Members are required or strongly encouraged to:

- complete two ride a longs per calendar year (unless doing so would cause emotional trauma),
- attend a Community Police Academy within two years of initial appointment, and
- participate in other group learning opportunities annually.

ARTICLE VII.

Term of Service

All terms of office shall be three (3) years. An individual appointed to complete the balance of a term caused by a vacancy will serve the balance of that term. Upon initiation of the group, individuals will be assigned 1, 2 and 3-year terms by City Council in equal numbers. Individuals interested in serving another term on the board must complete the City's Community Engagement Division application process.

Members may be removed for a pattern of unexcused absences, or disorderly behavior in meetings such as failing to follow the rules of procedure as developed by CPAT and enforced by the co-chairs. Unexcused absences shall be actively addressed by the co-chairs to ensure that members are actively participating and equally engaged.

Team members shall attend all regularly scheduled CPAT meetings (unless formally excused by the Co-Chairs) and actively engage and participate in meetings. Excessive unexcused absences by any member will be grounds for replacement of the member. Arrangements will be made for virtual or remote meeting participation as needed.

ARTICLE VIII.

Meetings

The meetings will generally be scheduled monthly following a set schedule for regular business in order to meet the goals listed. Additional meetings may be called to provide advice and counsel or assist with community relations during critical incidents such as officer involved shootings or in-custody deaths.

The CPAT may host public forums with a variety of goals that may include building trust, understanding and acknowledging historical community issues, sharing best practices, and soliciting information.

Two members shall be selected by the Team as “Co-Chairs” and will assist Police Department administrative staff with agenda selection, timing, attendance, and other matters as deemed necessary by the group.

Subject Matter Experts will be invited to provide information or knowledge about police practices to further educate CPAT members about industry best practices.

The Police Department staff will review aggregate data for the prior six-month period for categories such as use of force, pursuits, traffic stops and complaints. January to June will be reviewed in August/September and July to December will be reviewed in February/March.

On a schedule to be determined by the Team, the Police Department will make additional presentations on the Department’s Strategic Plan or other topics as requested.

The Community Police Advisory Team will draft rules of procedure for the group to follow. Any such document would be reviewed each year for any changes to protocols.

All meetings of the CPAT are subject to and shall comply with the North Carolina Open Meetings Law as set out in the North Carolina General Statutes, Article 33C, Meetings of Public Bodies, Sections 143-318.9 through 143-318.18.

ARTICLE IX.

Member's Role

Each member must strive to be engaged in the community in order to be aware of issues and receive information from the people of Burlington relating to public safety concerns.

Each member is encouraged to participate fully in all CPAT meetings by expressing their opinions freely and members shall follow the rules of conduct as determined by the group. Diversity of opinion is welcomed and encouraged. The Co-Chairs will work to facilitate and foster group cohesion and amiable working relationships. Recognizing there may be disagreement and healthy debate from time to time, the Co-Chairs will also strive to assist CPAT members to be able to express themselves in an organized, respectful, and amicable way.

Each member is encouraged to participate regularly in the ride along program and to attend the Community Police Academy and similar programs as well. Familiarity with police procedures, community policing practices, and specific neighborhood issues and concerns enhances the value of comments and participation on the Community Police Advisory Team.

ARTICLE X.

Chief's Role

The Chief of Police will work collaboratively with the Team Co-Chair members to prepare the agenda for meetings. The administrative staff of the police department will publish this information to the members in a timely manner.

The Chief of Police will maintain a membership with the National Association of Civilian Oversight for Law Enforcement (NACOLE). The Chief will share best practices from NACOLE with the CPAT and include those actions within the management of the CPAT as appropriate. The Chief of Police will meet regularly with the City Manager to discuss and review the activities and topics of discussion of the CPAT.

ARTICLE XI.

City Manager Role

The City Charter establishes the Council-Manager form of government in Burlington. Accordingly, the City Manager supervises all of the City's department heads, including the Police Chief and as such is responsible for oversight of the Police Chief and the Police Department on behalf of the City Council and Mayor.

The City Manager's responsibility under the City Charter is to hear any complaints or concerns with the Police Department or Police Chief that cannot be resolved or handled by the Police Chief. For this reason, the City Manager will stay actively engaged with the CPAT and report periodically (with the help of the Police Chief) to the City Council and Mayor on the initiatives, activities, and work of the group.

The City Manager will maintain a membership with the National Association of Civilian Oversight for Law Enforcement (NACOLE) on behalf of the City.

The City Manager will attend meetings of the CPAT at least once per quarter in order to stay abreast of the important issues of the group and to maintain awareness of the CPAT's activities and interests.

Members of the CPAT are welcomed and encouraged to reach out to the City Manager at any time to express any concerns or topics of interest.

ARTICLE XII.

Interaction With Other Entities

Should there be a county-wide law enforcement advisory board in Alamance County, the appropriate number of members will be drawn from the Burlington CPAT as the designated members of the county advisory board. Those members will be the primary communication route between the two groups.

ARTICLE XIII.

Review

After formation, the CPAT Charter may be reviewed periodically (perhaps annually) to maintain a focus on improving the operations of the group. Any proposed Charter changes shall be presented to City Council at a City Council Work Session Meeting for discussion. If City Council is amenable to the suggested changes, they can be scheduled for public comment and consideration at a future City Council Meeting.

Adopted this the 2nd day of February 2021.

- C. To adopt a Resolution to accept from the State of North Carolina the release of the conservation easement deed recorded in Alamance County Deed Book 2795, pages 535-565, for property which runs through City Park alongside Little Alamance Creek.

Resolution #21-05

RESOLUTION OF THE BURLINGTON CITY COUNCIL TO ACCEPT FROM THE STATE OF NORTH CAROLINA THE RELEASE OF CONSERVATION EASEMENT DEED RECORDED IN ALAMANCE COUNTY DEED BOOK 2795, PAGES 535-565

WHEREAS, by way of a conservation easement deed dated March 12, 2009, the City of Burlington conveyed to the State of North Carolina a conservation easement;

WHEREAS, at its February 3, 2009 meeting the Burlington City Council voted to convey to the State of North Carolina a conservation easement which set aside 7.06± acres along the banks of the Little Alamance Creek that transverses through City Park;

WHEREAS, said March 12, 2009 conservation easement deed was recorded on March 12, 2009 in the Alamance County Register of Deeds Office in Deed Book 2795, Pages 535-565;

WHEREAS, said conservation has served to encumber the title to that 7.06± acre portion of the total 64.83± acres City Park property.

WHEREAS, the purpose of said conservation easement was to enable the State to assist the City in addressing the flooding and erosion control problem along said stream within City Park and restore the area to its natural state.

WHEREAS, said stream restoration work having now been completed with the flooding and resulting erosion issues mitigated, the State desires to release the conservation easement back to the City with the City resuming responsibility for maintaining said stream banks within its City Park.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

1. That the City of Burlington, pursuant to N.C.G.S. 160A-11, accepts the State's Release of Conservation Easement Deed and instructs the City Manager to have the same recorded in the Alamance County Registry.
2. That this Resolution shall take effect upon passage.

Adopted this 2nd day of February 2021.

- D.** To approve Budget Amendment 2021-21 for the John Robert Kernodle Senior Center to use 2020-2021 CARES Act Grant funds, awarded by PTRC, for equipment purchases for the Senior Center Technology Training Program.

Budget Amendment 2021-21

Increase Revenues:

01004726-30112	PTRC Grants	\$ 12,250.00
----------------	-------------	--------------

Increase Expenditures:

01072726 43300	Departmental Supplies	\$ 8,750.00
01072726-40400	PT Salaries	\$ 3,500.00

- E.** To approve Budget Amendment 2021-22 for the allocation of funds to the Downtown Grants Program of the Burlington Downtown Corporation.

Budget Amendment 2021-22

Increase Revenues:

04217000-39999 Appropriated Fund Balance \$50,000

Increase Expenditures:

04240000-46600 Economic Development \$50,000

- F. To approve two proposals for HOME funded affordable housing development projects and direct City staff to coordinate with the applicants to develop a scope of services, funding terms/documents and to proceed with the projects.

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to approve the foregoing consent agenda.

NEW BUSINESS:

ITEM 1: Resolution Combined Revenue Refunding Bonds Series 2021A

Mayor Baltutis announced City Council will consider adopting a Resolution authorizing the sale and issuance by the City of Burlington, North Carolina of its Combined Enterprise Revenue Refunding Bonds Series 2021A, authorizing the Mayor, City Manager and Director of Finance to sign and execute said documents, and authorizing the execution and delivery of certain documents therewith.

Director of Finance and Risk Management Peggy Reece provided history and a brief overview. She reported the City asked Council at the December 2020 Work Session for permission to send out a private bank RFP to seek interest to be able to compare this interest rate to the public market for refinancing. She reported at the January 19, 2021 meeting it was reported that City staff received seven responses with the winning bid receiving a 1.33% interest rate with savings of approximately \$6 million over the life of the loans, averaging about \$400,000 in savings a year. She explained at that meeting Council adopted a Resolution authorizing the filing of application with the LGC and authorizing the LGC to sell the bonds at a private sale. She noted the City will have three requests for refinancing including the 2010A's, 2010B's, and the 2011 revenue bonds issued that year. She reported City staff recommends adoption of the Resolution and associated request to authorize the Mayor, City Manager and Director of Finance to sign and execute said documents and authorize the execution of delivery of certain document therewith and will return in March with the 2021B's refinancing the 2011 revenue bonds at that time.

Resolution#21-06

ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF BURLINGTON, NORTH CAROLINA OF ITS COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021A AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

BE IT ORDERED by the City Council (the "City Council") of the City of Burlington, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

- (a) The City has heretofore entered into a Trust Agreement, dated as of December 1, 2010 (the "Trust Agreement"), with U.S. Bank National Association, as trustee (the "Trustee"), authorizing the issuance of

revenue bonds thereunder for the purpose of financing and refinancing the cost of improvements to the City's Combined Enterprise System created thereunder.

(b) Pursuant to the Trust Agreement and a First Supplemental Trust Agreement, dated as of December 1, 2010 (the "First Supplemental Trust Agreement"), between the City and the Trustee, the City has heretofore issued its \$11,825,000 City of Burlington, North Carolina Combined Enterprise System Revenue Bonds, Series 2010A (the "Series 2010A Bonds"), \$1,965,000 of which are currently outstanding, and its \$10,700,000 City of Burlington, North Carolina Combined Enterprise System Revenue Bonds, Series 2010B (Taxable Build America Bonds) (the "Series 2010B Bonds" and, together with the Series 2010A Bonds, the "Series 2010 Bonds"), \$9,785,000 of which are currently outstanding.

(c) At a meeting held on January 19, 2021, the City Council authorized the filing of an application with the North Carolina Local Government Commission (the "Commission") requesting approval of the sale and issuance of a not to exceed \$12,000,000 Combined Enterprise System Revenue Refunding Bond, Series 2021A (the "Series 2021A Bond") of the City for the purpose of providing funds, together with any other available funds, to (i) refund all of the outstanding Series 2010 Bonds and (ii) pay the fees and expenses incurred in connection with the sale and issuance of the Series 2021A Bond.

(d) The City, by resolution, also requested the Commission to sell the Series 2021A Bond at private sale without advertisement.

(e) The Commission has approved the application of the City for the issuance of the Series 2021A Bond in an aggregate principal amount not to exceed \$12,000,000 in accordance with G.S. 159-86.

(f) The City has determined to issue the Series 2021A Bond in the aggregate principal amount not to exceed \$12,000,000 for the purpose of providing funds, together with any other available funds, to (i) refund all of the outstanding Series 2010 Bonds and (ii) pay the fees and expenses incurred in connection with the sale and issuance of the Series 2021A Bond.

(g) The City proposes to sell the Series 2021A Bond to TD Bank, N.A. (the "Purchaser") pursuant to the provisions of a Bond Purchase Agreement (hereinafter defined), at such price determined by the Commission, subject to the approval thereof by the City.

(h) There have been presented to the City Council at this meeting forms of the following documents relating to the sale and issuance of the Series 2021A Bond:

(1) Third Supplemental Trust Agreement, to be dated as of February 1, 2021 (the "Third Supplemental Trust Agreement"), between the City and the Trustee; and

(2) Bond Purchase Agreement, to be dated as of the date of delivery thereof (the "Bond Purchase Agreement"), among the Commission, the Purchaser and the City.

(i) The City has determined that the sale and issuance of the Series 2021A Bond in the manner provided in this order is in the best interests of the City.

Section 2. Capitalized words and terms used in this order and not defined herein shall have the same meanings given such words and terms in the Trust Agreement and the Third Supplemental Trust Agreement.

Section 3. Pursuant to the provisions of The State and Local Government Revenue Bond Act, as amended (the "Act"), particularly G.S. 159-88, the City hereby authorizes the issuance of the Series 2021A Bond in the aggregate principal amount not to exceed \$12,000,000 for the purposes set forth in Section 1(f) of this order. The Series 2021A Bond shall mature at such time and in such amount as shall be set forth in the Third Supplemental Trust Agreement, subject to the provisions of this order.

The Series 2021A Bond shall be initially issued as one fully-registered bond in the principal amount not to exceed \$12,000,000 with principal installments being due and payable on each February 1, from February 1, 2022 to February 1, 2036, inclusive, and interest being due and payable on each February 1 and August 1, as the case may be, beginning August 1, 2021, all as set forth in the Third Supplemental Trust

Agreement.

Section 4. The Series 2021A Bond shall be subject to optional redemption at the times, upon the terms and conditions, and at the redemption price as shall be set forth in the Trust Agreement and the Third Supplemental Trust Agreement.

Section 5. The proceeds of the Series 2021A Bond shall be applied as provided in Section 204 of the Third Supplemental Trust Agreement.

Section 6. The Series 2021A Bond, together with any other obligations secured on a parity therewith pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement and the Third Supplemental Trust Agreement.

Section 7. The proposal set forth in the Bond Purchase Agreement submitted by the Purchaser offering to purchase the Series 2021A Bond bearing interest at the rate of 1.33% per annum (subject to adjustment as provided in the Third Supplemental Trust Agreement) at a purchase price equal to 100% of the principal amount of the Series 2021A Bond, subject to the approval thereof by the Commission, is hereby approved. The Commission is hereby requested to sell and award the Series 2021A Bond to the Purchaser on behalf of the City, subject to the approval of the City, in accordance with the terms and provisions set forth in the Bond Purchase Agreement. The Mayor, the City Manager and the Director of Finance and Risk Management of the City are each hereby individually designated to approve on behalf of the City the sale of the Series 2021A Bond to the Purchaser at such interest rate, for such purchase price and upon such terms and conditions as the Mayor, the City Manager or the Director of Finance and Risk Management shall determine, subject to the provisions of this order. The Mayor, the City Manager and the Director of Finance and Risk Management of the City are each hereby individually authorized and directed in the name and on behalf of the City to execute and deliver the Bond Purchase Agreement in substantially the form presented, together with such changes, additions and deletions as the officer executing and delivering the agreement, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 8. The form, terms and provisions of the Third Supplemental Trust Agreement and the form of the Series 2021A Bond included therein are hereby approved, and the Mayor or the City Manager and the City Clerk or any assistant or deputy City Clerk are hereby authorized and directed to execute the Third Supplemental Trust Agreement and the Series 2021A Bond in substantially the forms presented, together with such modifications as the Mayor or the City Manager, with the advice of counsel, may deem necessary or appropriate, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 9. The City Council hereby directs all of the Series 2010A Bonds maturing on February 1, 2022 to 2024, inclusive, and all of the Series 2010B Bonds maturing on February 1, 2022 to 2025, inclusive, 2030 and 2036, be called for optional redemption on February 19, 2021, subject to the refunding of such Series 2010 Bonds in connection with the issuance of the Series 2021A Bond. All prior actions of the City related to the redemption of such Series 2010 Bonds and the distribution of a conditional notice of redemption related thereto are hereby ratified, authorized and approved.

Section 10. The Mayor, the City Manager, the Director of Finance and Risk Management, the City Clerk and the City Attorney, or any of them or their deputies, are each hereby authorized and directed (without limitation except as may be expressly set forth in this order) to take such action and to execute and deliver such certificates, agreements, instruments, opinions or other documents as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this order, the Trust Agreement, the Third Supplemental Trust Agreement and the Bond Purchase Agreement. Any such actions heretofore taken by such persons to the extent not inconsistent with the provisions of this resolution are hereby ratified, authorized and approved.

The officers of the City and the agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this order, the Series 2021A Bond, the Trust Agreement, the Third Supplemental Trust Agreement and the Bond Purchase Agreement for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 11. The sale and issuance of the Series 2021A Bond is hereby approved subject to the terms and conditions set forth in this order.

Section 12. This order shall take effect immediately upon its passage; provided, however, that the provisions of Section 9 hereof relating to the calling for redemption of the outstanding Series 2010 Bonds shall not become effective unless and until the Series 2021A Bond is issued.

Upon motion of Council Member Robert Ward, seconded by Council Member Mayor Pro Tem Kathy Hykes, the foregoing order entitled "ORDER AUTHORIZING THE SALE AND ISSUANCE BY THE CITY OF BURLINGTON, NORTH CAROLINA OF ITS COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BOND, SERIES 2021A AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH" was adopted by the following vote: Ayes: Baltutis, Hykes, Butler, Owen, and Ward. Noes: None.

Adopted this 2nd day of February 2021.

Upon a motion by Council Member Ward, seconded by Mayor Pro Tem Hykes, it was resolved unanimously to adopt the foregoing Resolution as written.

ITEM 2: Request for Appeal/Public Hearing – 1722 Shamrock Drive:

Mayor Baltutis announced City Council will consider an appeal and request to set a date of public hearing from Henson Realty, LLC, for property located at 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754.

Ryan Moffit with Vernon Law Firm was in attendance. He stated he and Lawson Brown are representing Henson Realty, LLC, in this application to amend the Conditional Zoning of the property at 1722 Shamrock Drive owned by Henson Realty, LLC. He reported this is a request to amend Conditional Zoning Ordinance #18-21, which Council adopted on September 18, 2018. He explained they went before the Planning and Zoning Commission at its last meeting who then voted 4 to 2 on an unfavorable recommendation and formally requested an appeal to set a date of public hearing for the February 16, 2021, City Council Meeting.

Council Member Ward inquired on the timing of the public hearing and if the February 16, 2021, City Council Meeting was preferred.

Mr. Moffit responded their client is eager to proceed and it was preferred to proceed at the February 16, 2021, City Council Meeting. He stated there were surprisingly little public comment at the Planning and Zoning Commission meeting with ninety notices provided to adjoining property owners with only one property owner and one property owner attorney providing comments at that meeting.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to set a date of Public Hearing for February 16, 2021.

PUBLIC COMMENT PERIOD

There were no written comments submitted or provided during the meeting.

CITY COUNCIL COMMENTS

Mayor Pro Tem Hykes encouraged communication to seniors about the computer technology received from recent grant funds which provided for computer training classes offered at the Kernodle Senior Center and explained these classes are available to our community providing helpful tools in learning computer skills and use of the internet.

Council Member Owen commented on how impressive and organized the COVID-19 vaccination efforts have been at the Burlington Athletic Stadium for the second-round vaccination efforts. He expressed how well organized and coordinated these operations were during hours he volunteered to help. He shared concerns for the working population and hopes the times to offered vaccinations can include the population that works during the week during the currently offered daytime hours, and asked that we encourage more access to vaccinations throughout the community in evening hours or potentially on weekends for those members of our community that cannot take time off during the day to get vaccinated.

City Manager Watkins responded City staff meets daily with the Alamance County Health Department and would relay these comments into their planning efforts with a new location being considered which may offer for additional times as well and times on weekends.

Mayor Baltutis recognized the new Burlington Sock Puppets team and expressed excitement for the upcoming season. He shared the following upcoming events;

- Mayor's Book Club facilitated by the Alamance County Public Library on February 2nd at 12 noon with a challenging book about racism and casts in our society and nation around the world.
- City sponsored community blood drive being held at City Park on February 10, 2021, between 10am-3pm

Mayor Baltutis commented on conversations at previous Council meeting on how the City holds municipal elections and how our Charter is written. He asked if City Council was amendable to hearing a staff report on our elections at the March Work Session for the costs over the last ten years to the City. Council Member Butler responded he respects the request and suggested a reasonable time frame for staff with the other priorities that have been assigned.

City Manager Watkins responded he would coordinate with the Finance Department and prepare for a report back to Council.

ADJOURN

Upon a motion by Council Member Ward it was resolved unanimously to adjourn at 7:45pm.

Beverly D. Smith

Beverly D. Smith, NCCMC
Interim City Clerk

February 2, 2021
City Council Meeting